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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,617	11/16/2001	Patrick Chiu	FX/A0014	5790
23910	7590	06/03/2005	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			KASSA, YOSEF	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,617

Applicant(s)

CHIU ET AL.

Examiner

YOSEF KASSA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-16 and 19-25 is/are rejected.
- 7) ☒ Claim(s) 8-10, 17, 18 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments/amendment, see (page 9-14) filed on December 03, 2004 with respect to the rejection of claims 1-7, 11-18 and 25 under Szeliski (U.S. Patent 6,636,220), and Bhanu et al (U.S. Patent 5,048,095) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made on under Shaffer et al (U.S. Patent 6,396,963) and further in view of Chen et el (U.S. Patent 6,307,550).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 11-16 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (U.S. Patent 6,396,963) and further in view of Chen et el (U.S. Patent 6,307,550).

With regard to claim 1, Shaffer discloses segmenting, i.e., cutting, a video into a plurality of video segments (which broadly reads on cutting version of a photo collage process, and also see col. 4, lines 30-37 for video images);

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providing a video collage template having at least one individual video frame (see Fig. 9, note that item 160 does have individual frames and template frame, also see col. 11, lines 28-37);

associating a video segment from plurality of video segments with individual video frame of video collage template (see col. 7, lines 24-31, broadly reads on comparing to a threshold associated with the processing goal); and,

producing a video collage from video collage template and associated video segment (see col. 10, lines 1-13, broadly reads on the process of selecting the photo collage features such as size and format of individual pages).

while Shaffer discloses step of cutting image data, he does not explicitly call for segmenting video image data. However, at the same field of endeavor, Chen et al teaches this feature (see the abstract). At the time of the invention was made, it would have been obvious to incorporate the teaching of Chen video segment process into Shaffer's system. The motivation doing so is to provide individual frames of the video images, analyze and combine them to create a single high resolution image (see col. 2, lines 1-13 of Chen).

With regard to claim 2, Shaffer discloses selecting a plurality of video segments from said plurality of video segments (see Figs. 8 and 9, note that image cut out form image sequence); and,

associating each of said selected plurality of video segments with a respective individual frame of said video collage (see col. 3, lines 49-58, broadly reads on story preparing process, and also see col. 7, lines 24-31).

With regard to claim 3, Shaffer discloses providing a plurality of

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representative images, wherein each representative image represents one of plurality of video segments (see col. 11, lines 55-61);

selecting a representative image from plurality of representative images and associating representative with individual video frame of video collage template (see col. 12, lines 1-9).

Claim 4 is similarly analyzed and rejected the same as claim 3.

With regard to claim 5, Shaffer discloses step of segmenting video includes segmenting video into a selected number of segments (see Fig. 9 , item 160).

With regard to claim 6, Shaffer discloses wherein where in said step of segmenting said video includes segmenting said video using a Genetic Segmentation Algorithm ("GSA") (see col. 6, lines 22-30).

With regard to claim 7, Shaffer discloses further including the step of compacting said associated video segment (see Figs 8 and 9) .

Claim 11 is similarly analyzed and rejected the same as claim 1.

With regard to claim 12, Shaffer discloses video segment associated with representative image may be viewed by selecting representative image (see col. 16, lines 39-42).

Claim 13 is similarly analyzed and rejected the same as claim 2.

With regard to claim 14, Shaffer discloses representative image is assigned an importance value based on a size of individual video frame in which said representative image is contained (see col. 10, lines 1-13).

With regard to claim 15, Shaffer discloses wherein a length of video

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segment associated with representative image is reduced based on importance value (see col. 10, lines 56-65).

With regard to claim 16, Shaffer discloses representative image is associated with a feature vector fixed length video (see col. 3, lines 49-58).

Claim 19 is similarly analyzed and rejected the same as claim 1. As to the additional limitation of "user interface" (see col. 10, lines 42-47).

With regard to claim 20, Shaffer discloses wherein video segment selection device is used for selecting a representative image and inserting selected representative image into said at least one individual video frame (see Fig. 9, the selected image frames are grouped into different image frame).

Claim 21 is similarly analyzed and rejected the same as claim 1. As to the additional limitation of a processor, and a processor readable storage medium in communication with said processor (see Fig. 4, information communication system).

Claim 22-25 are similarly analyzed and rejected the same as claims 2 , 5-7.

### ***Allowable Subject Matter***

3. Claims 8-10, 17, 18 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Other Prior Art Cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (6123362) to Squilla et al system and method of constructing a photo collage.

US Patent No. (5784461) to Saffer et al disclose security system for controlling access...

US Patent No. (5636957) to Hefty discloses method of making personalized children's...

US Patent No. (5751281) to Hoddie et al disclose apparatus and method for storing a movie within a movie.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**PATENT EXAMINER**

Yosef Kassa



05/26/05.



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